

any parks, squares, gardens, esplanades, boulevards, parkways, park grounds, public reservations or other public places, for which said owner or possessor ought to pay compensation, and to provide by ordinance for assessing or levying the amount of such benefits on the property of persons so benefited; provided, that provision is made therein for reasonable notice to the person or persons against whom such benefits are to be assessed, and provided that provision be made for appeals to the Baltimore City Court by any person or persons interested, including the Mayor and City Council of Baltimore, from the decision of any board, commissioners or other persons appointed or authorized to assess such benefits.

*O'Brien v. Baltimore Belt. R. R. Co.*, 74 Md. 375. *Gluck v. Mayor, &c., Balto.*, 81 Md. 315.

*Wharves and Docks.* Condemnation of wharfage and dockage rights. Valuation of franchise right of wharfage, right of appellants to dock its own vessels at its wharf and the right of access to such wharf over navigable water. Held that it is impossible to segregate these elements for purposes of valuation separately in the condemnation of same for public improvements.

*Mayor & C. C. of Balto. v. Balto. & Phila. Steamboat Co.*, 104 Md. 485.

*Condemnation of Property.* In this connection, *see also* *Baltimore v. Rice*, 73 Md. 307; *Van Witzon v. Gutman*, 79 Md. 411; *Shanfelter v. Mayor, &c.*, 80 Md. 483.

For recent cases relative to parties entitled to compensation when land is condemned for municipal purposes, *see*,

*Mayor, &c., Hagerstown v. Groh*, 101 Md. 560. *Baltimore City v. Latrobe*, 101 Md. 625. *Bouis v. Balto.*, 138 Md. 284.

Mere inconvenience of access, or mere diminution of light and air to property does not constitute a "taking" within the meaning of the Constitution. Such injury to come within the constitutional provision must be such as to amount to their substantial destruction.

*Baltimore v. Bregenger*, 125 Md. 78.

Condemnation proceedings for water supply.

*Brack v. Baltimore*, 125 Md. 378.

A dedication of land to public use may be revoked before acceptance by an exclusive and adverse possession thereof by the owner.

*Canton Co. v. M. & C. C.*, 106 Md. 69.

In condemnation proceedings under the Annex Improvement Act of 1904, property liable for benefit assessment in street openings, even though the Act provides a loan out of which expenses of condemnation may be defrayed.

*Lauer v. M. & C. C.*, 110 Md. 447.

In street condemnation proceedings the preliminary plat showing property to be taken need not show a portable building.

*Whiteley v. M. & C. C.*, 113 Md. 541.

Street held not to be dedicated to public use.

*Bloede v. M. & C. C.*, 115 Md. 594.

Merely because parties may receive from the closing of a street more direct benefits than the public at large, it does not follow that the closing of the street is for private and not for public benefit.

*M. & C. C. v. Brengle*, 116 Md. 342.

The principle that damages are not ordinarily recoverable for an injury to adjacent land caused by a lawful change in the grade of a public highway is confined to cases in which no part of the abutting property is taken and where any land is taken in a street condemnation, the "just compensation" required to be paid under the Constitution must include not only the value of the land condemned, but also a due allowance of damages for injury to the remainder.

*M. & C. C. v. Garrett*, 120 Md. 608.

When the erection of a structure in a public street cuts off the light and air, and the ingress and egress to and from a building abutting on said street, it amounts to a taking of property even though there has been no actual physical invasion.

*Walters v. M. & C. C.*, 120 Md. 644.